

*Approved Minutes  
South Florida Ecosystem Restoration  
Task Force Meeting  
February 22, 2006*

**Administrative Announcements**

Ms. Kameran Onley called meeting to order at 1:05 PM. She briefly reviewed her background. Prior to joining Interior she spent 4½ years at the Council on Environmental Quality (CEQ) where she served as the Associate Director for Environmental Policy. Most recently she was responsible for leading the Administration's response to the U.S. Ocean Commission. Prior to CEQ she worked for a non profit group at George Mason University focusing on regulatory studies and regulatory analysis and at a philanthropic organization where she brought partnerships together. She conducted economic analysis on water quality issues at the Texas Institute for Applied and Environmental Research. She has a Master's Degree in Agricultural Economics and a Bachelor's in Economics with a minor in Biology.

She said it was a privilege to participate in this unprecedented effort that serves as a model for solving critical water resource problems. She recently spent four days in South Florida traveling from Shingle Creek to Florida Bay and was impressed with the sheer size of the restoration effort. She was especially impressed with the restoration of the Kissimmee River and was interested in seeing more "on-the-ground" restoration as quickly as possible. She said that in order to do that we needed to continue to work together. She noted that one of the things that separated Everglades restoration from other efforts was our ability to come together, resolve our differences, find common ground and move forward.

She recognized the implementation role of all the members and expressed her strong desire for the Task Force to coordinate and leverage the individual member programs to achieve more than they could individually. As an example she said the Natural Lands Report provided the information and tools needed to creatively group programs for land acquisition and conservation – one of our greatest challenges.

To make the most of the time available she stated that it was important to set and follow priorities and for the agendas to follow the priorities. She said that she would everything she could do to stay focused on the agendas and to start and stop on time. To that end she expressed her preference to place unscheduled items on future agendas.

Finally she announced Mr. Jay Slack had been promoted and would be moving to Denver. She thanked Jay for his leadership as the Working Group Chair for over two years. She proposed that Ken Ammon, the current Vice Chair, be appointed as the Chair and that Dan Kimball be appointed as the Vice Chair. It was moved and approved without objections. The following members were in attendance:

*Kameran Onley, Chair, U.S. Department of the Interior  
Colleen Castille, Vice-Chair, Secretary, Department of Environmental Protection  
Clarence Anthony, Mayor, City of South Bay  
Merlyn Carlson, Deputy Under Secretary for Natural Resources and Environment, U.S.  
Department of Agriculture  
Jose "Pepe" Diaz, Commissioner, Miami Dade County  
Brent Fewell for Benjamin Grumbles, Assistant Administrator Office of Water, U.S.  
Environmental Protection Agency*

*Timothy Keeney, Deputy Assistant Secretary for Oceans and Atmosphere, U.S. Department of Commerce*

*Joette Lorion for Dexter Lehtinen, Special Assistant to the Miccosukee Tribe of Indians*

*Matt McKeown, Principle Deputy Attorney General, U.S. Department of Justice*

*Patty Power for Jim Shore, Seminole Tribe of Florida*

*George Dunlop for J.P. Woodley, U.S. Department of the Army*

*Carol Wehle, Executive Director, South Florida Water Management District*

*Michael Collins, Water Resources Advisory Commission*

### **Task Force Member Whiparound**

Mr. Merlyn Carlson announced two new programs, the emergency watershed program for clearing debris from Hurricanes Rita and Wilma and the Grazing Land Conservation Initiative which allows grazers to eradicate invasive species. Other programs such as Wetland Reserve Programs and Farm and Ranchland Protective programs among others were ongoing.

Commissioner Jose Diaz said he appreciated Secretary Castille and Director Wehle coming to Miami Dade County to discuss water reuse. He said the County was committed to work with the state on water quality and conservation. He announced that John Renfrow had been named the new Director of WASD and Carlos Espinosa was the Acting Director of DERM.

Mr. Tim Keeney said that EPA, State of Florida and Monroe County continued to implement the Water Quality Protection Plan (WQPP) for the Florida Keys National Marine Sanctuary (FKNMS). He announced that Mr. Billy Causey had been promoted to Regional Director for the Gulf of Mexico Sanctuary Program. He noted the SFWMD had given over \$1 million in grants each year in the Florida Keys and the FKNMS had received \$250,000 in 2005 and 2006 to develop a detailed benthic habitat map. He explained that NOAA's budget had come up short for the Monitoring and Assessment Programs and emphasized the importance of the baseline data NOAA provides for implementation of the various components of CERP. He said NOAA would be looking for assistance from the Corps and others to ensure their critical work continues. He announced that a dedication ceremony would be held on April 11<sup>th</sup> to commission the first offshore enforcement vessel.

Mr. Brent Fewell welcomed Ms. Onley and suggested the Task Force look at water quality trading. He announced that EPA published its first water quality trading policy in 2003 and they were working to accelerate the improvement of water quality across the country. He concluded by noting a pilot project located north of Lake Okeechobee was seeking ways to accelerate the reduction of non-point sources and nutrients that contribute to eutrophication. The project was funded through the World Wildlife Fund in partnership with USDA.

Ms. Joette Lorion reported on the status of the lawsuit filed by environmental groups and the Miccosukee Tribe alleging the S2, S3 and S4 pumps need NPDES permits. She said that Judge Moreno had issued an order on the federal Everglades lawsuit agreeing with the Tribe that there had been violations in Loxahatchee National Wildlife Refuge of the interim levels of the settlement agreement. She said that the Special Master was holding remedy hearings. The Friends of the Everglades and the Tribe also filed suit alleging the amended Everglades Forever Act and phosphorus rule violated the CWA. Judge Gold would hold evidentiary hearings on April 11-12 as to whether EPA properly dislodged its mandatory review of the phosphorus rule. The Tribe claimed that EPA was required to review the entire phosphorus rule. The judge will also hold a hearing as to whether the administrative record was complete. Ms. Lorion invited Ms. Onley to visit the Miccosukee Tribe who has 189,000 acres on a perpetual lease from the state and a 75,000 acre federal reservation. She noted the Tribe was the first to have the numeric

phosphorus criterion of 10 ppb in ENP. She concluded by saying the Tribe feels that the completion Modified Water Deliveries (MWD) project, as a pre-CERP project to restore more natural flows to the Everglades, was very important.

Mr. Matt McKeown said he appreciated being able to work in a collaborative way.

Ms. Carol Wehle stated the SFWMD was excited to be one of the local sponsors along with DEP and the State of Florida. She outlined four major challenges for the group to examine at the next meeting:

1. **Pesticides and residual pesticides in dealing with restoration.** Prior to the SFWMD she worked at the St. John's WMD where there was a devastating impact from the flooding of old farm fields and resulted in a huge bird kill of white pelicans. Many of the projects will include flooding of old farm fields. The members need to talk about the types of sampling programs that need to be put in place and determine what kinds of questions need to be answered prior to the flooding these lands. This issue recently came up on two projects. On one project the location of a levy was moved. On the C-111 project in south Dade, where there was a lot of farmland, they need to ensure due diligence and not repeat the Lake Apopka scenario.
2. **Land acquisition and land values in south Florida.** She offered to have the SFWMD land acquisition staff provide a presentation on land acquisition and land values in the State of Florida. It would include how much has been spent, dollars per acre and long term implications. Increased values have resulted in more ad valorem collections that the SFWMD has dedicated to accelerating its match on Everglades restoration. Approximately 45% of the land need still needs to be acquired.
3. **An altered system.** The restoration will alter a system that is part of a greater system stretching from Disney World to Key West. The Task Force needs to understand the efforts of the Army Corps of Engineers and the benefits to the system.
4. **Lake Okeechobee.** The lake is an important part of the system and the members need to evaluate whether the issues and impacts north of the lake are being addressed. Although a lot of emphasis has been given to BMPs and retrofitting farms south of the lake, many water quality issues remain north of the lake.

Ms. Wehle noted the Task Force was an important policy group and recalled that the executive director had asked for member input and she believed these issues should be discussed. Mr. Mike Collins said the Water Resources Advisory Commission (WRAC), an advisory body to the Governing Board and the Task Force, had worked hard on issues leading up to the Governor's Lake Okeechobee and Estuary Recovery Plan. The WRAC stayed closely involved in Acceler8 and was currently developing their list of priorities. He offered the Task Force the opportunity to have the WRAC discuss and provide input on issues they were working on. Ms. Wehle mentioned she had heard concerns in Washington that the state was pursuing Everglades restoration projects for the purpose of delivering water supply to urban users. She stated that not only was that not true, but the Governing Board gave staff clear direction to deny Miami Dade County's request for a 100 million gallons a day of additional withdrawals. The SFWMD was not using Everglades' restoration for public water supply and they were not issuing permits. Miami Dade has responded quickly, appointed a new WASD Director and was embracing the concept of reuse. Commissioner Jose Diaz said he appreciated Ms. Wehle's leadership and they

were looking into the suggestions that had been made adding the Commission was committed to fixing the problem.

Ms. Patty Power stated the Seminole Tribe welcomed the opportunity to consult on the Interim Goals and Interim Targets Agreements. She said a letter had been submitted to Senator Frist with 78 signatures from senators asking to have the WRDA bill brought to the floor. She urged anyone who could do anything to help that happen to do so.

Mr. George Dunlop welcomed Ms. Onley and added that the Task Force played an instrumental role in public policy. He explained that the Army had two levels of engagement. One level was "boots on the ground" which included the south Florida team and the working partners that implement the CERP and other restoration activities. The other level was the resolution of policy issues where Secretary Woodley and others were deeply engaged. He said the President's Budget for 2007 supports the work that has been ongoing since WRDA 1996 which authorized the studies that ultimately were consummated in WRDA 2000. The President's Budget supports current construction and activities with \$164 million for south Florida everglades restoration. Modified Water Deliveries (MWD), one of the foundation projects, was moving forward and \$35 million was appropriated to the Army. He recognized the work the State of Florida on the Acceler8 program under the leadership of the Governor. He said Governor Bush and Secretary Woodley met and worked out the policy issues for Acceler8. He concluded by saying that the lessons learned here have been incorporated into the current WRDA bill for the Louisiana Coastal Act (LCA).

Mayor Clarence Anthony noted that local government's role in participating and engaging in Everglades restoration was closely tied to land use issues which have an impact on economic development and taxes. He recognized the tremendous effort that had been made to reach and educate the citizens in the EAA. He said they needed to work even harder to make sure that those people who live in the region can participate in the job opportunities. He noted that unemployment and poverty rates continue to be high in the Glades area. He said they were working closely with the WMD regarding the concept of flooding the entire EAA area and there have been efforts to educate folks around the lake about the impact. He concluded by saying they were building a regional water facility in partnership with the District, County and federal government to get quality water for residents around Lake Okeechobee.

#### **Executive Director's Update**

Mr. Greg May introduced the draft 2006 priorities for Task Force consideration. By way of background he explained that in December 2003 the members conducted a review of the previous ten years with a view toward preparing for the next ten years. They recognized that this period of restoration implementation would be extremely busy. The members decided to identify and concentrate on a few key critical activities every year to fulfill their responsibilities and to make the most of the time available. He explained that he used the annual priorities approved by the Task Force to develop draft agendas for the Task Force, Working Group and Science Coordination Group. He reviewed the draft 2006 priorities adding that it could be modified as needed. Mr. Keeney said Commerce strongly supported the proposed priorities. Mr. Rock Salt reported the Science Coordination Group had been approached about the need to coordinate various monitoring efforts and added the Task Force may want to consider this need as a possible future priority. The priorities were accepted without objection.

#### **Restoration Update**

Mr. Dennis Duke provided a presentation (Encl. 2) reviewing the history of the Everglades Drainage District Works and Central & Southern Florida (C&SF) Project. He reviewed the

foundation projects that CERP assumes will be in place; Modified Water Deliveries (MWD), Kissimmee River Restoration, Critical Projects, Continuing Authorities Program and modifications to the C&SF.

MWD - the contract for the 8.5 Square Mile Area (SMA) had been awarded. This area borders the Everglades and the addition of this levy and canal system will extend the East coast protective levy around the remaining portion of the 8.5 SMA. This will allow them to restore more natural flows in Northeast Shark River Slough without adverse impacts. The interim pump station has been constructed and is ready to go. The Tamiami Trail plan will ensure the MWD will function as originally intended and that flows under the trail will not endanger the safety of the trail. The plan calls for two bridges a two-mile bridge on the west and a one-mile bridge on the east.

Kissimmee River Restoration – the first backfill contract has been completed and the next backfill contract for four more miles is underway. The SFWMD has completed the land acquisition and doing a lot of work for flood proofing which will allow water levels to be raised.

Critical Projects - the dedication ceremony for the Ten Mile Creek and Lake Okeechobee STA will be scheduled for March or April. Southern Crew, Tamiami Trail Culverts and Lake Trafford are being completed by the SFWMD.

C&SF Projects - Phase I of the Manatee Pass Gates is nearly complete and Phase II work is starting for the protective structures. C-51 STA 1 East construction has been completed and turned over to the SFWMD. The contract has been awarded for the Periphyton Stormwater Treatment Area (PSTA) field test to try to achieve 10 ppb or less phosphorus output. The Corps continues with modifications to the C-111 project to provide detention areas and additional structures in the southern end of the system to help re-hydrate ENP and Taylor Slough. The project will be linked in with the C-111 Spreader Canal that will provide more sheetflow to the southern end of the system. The Miami Dade Flood Control Study is on hold since they have not received additional funding.

Lake Okeechobee Regulation Schedule Review - a number of alternatives have been developed to reduce the number and frequency of high water events and large discharges to estuaries.

CERP – he reviewed the components and the importance of water quantity, quality, timing and distribution. The Indian River Lagoon (IRL) was included in the draft WRDA 2006 legislation as well as Picayune Strand. An evaluation is underway for the ASR Pilot Project sites. Several Project Implementation Reports (PIRs) are underway and the final alternative plan is being developed for the C-111 Spreader Canal. The Corps is working and coordinating efforts for Acceler8 to minimize duplication.

Ms. Wehle reminded everyone that the system was developed for 2 million people but the current population is 7.2 million. She said the Governing Board approved the staff to advertise and proceed with rule making for the ERP. They have been working with local governments on Comprehensive Plan changes to make sure new developments address water quality, quantity and the preservation of habitat.

Ms. Lorion asked why the Comprehensive Water Quality Feasibility Study (CWQFS) hasn't been completed. Mr. Duke explained the cost sharing agreement became wrapped up in high level negotiations on "mutuality". Because CERP was based on a "partnership" rather than just a "sponsorship" role an understanding had to be negotiated and now an agreement has been reached. The CIWQFS was not intended to address the issues associated with each individual

project but will look at the system-wide needs. The draft PIR for the EAA will have a 1,000+ acre STA added to the reservoir. They recognize the shortfalls and will make modifications as needed. He shared her concern about the delay.

### **Acceler8 Update**

Mr. Ken Ammon stated that the goal for Acceler8 was to be consistent with the PIRs. He provided an update on active construction projects (STA 2, C-43, STA 5 and STA 6) and reviewed accomplishments since December 2005. He said the Site 1 and C-111 Basis of Design Report (BODR) would be presented to the WRAC and WG. He announced that the C-44 Test Cell celebration and the Acme Basin B ground breaking have been scheduled for March. He stated that the bond validation hearing would take place on Friday. He noted that the Governing Board would consider approving the bonds after the SFWMD receives a rating from the bonding agencies. Ms. Wehle added the bond validation was set at \$1.8 billion with the first issuance expected for \$608 million in June 2006. Mr. Dunlop asked what the STAs would look like once completed. Mr. Ammon explained they would resemble working wetlands with a water depth between 0 – 4 feet with varying vegetation and secondary benefits for wildlife. Mr. Collins said the WRAC Recreation Advisory Group has adopted a policy that if it doesn't conflict with construction or function recreational activities would be allowed. The STAs have become magnets for ducks, wading birds, migratory birds and alligators. Ms. Castille said the \$1.2 billion spent to create 31,500 acres of STAs has had the additional benefit for wildlife, flora and fauna. Ms. Wehle added that cells with mixed vegetation remained fairly intact after Hurricane Wilma.

### **Restoration Projects and Florida Bay**

Mr. Collins provided an article from the *Keysnews*, "Audubon credits water district for successful nesting season." He explained that minor changes to the way they operate the system has had remarkable impacts. Mr. Paul Linton reported the Combined Structural and Operation Plan (CSOP) would improve the average dry season flows to Shark Slough and early dry season flows to Taylor Slough by more gradually reducing the S-332D pumping as canal levels decline. Opportunities for improvement include the identification of flow to prevent premature nesting by Spoon Bills. Mr. Collins said that apart from infrastructure changes, management of the system could have a significant impact. He said there were things that could be done today with the existing infrastructure and he said he wanted to hear some sort of dedication from the partners.

Ms. Castille said they were diligently trying to work through the process that was in place. After the December 2004 Task Force meeting, the state partners decided to move forward with projects to restore the ecosystem. Eleven project groundbreakings were scheduled for this year. Mr. Salt applauded Mr. Linton and this effort. He reiterated that they want Acceler8 and the PIRs to move forward. He noted that while the federal process has been slow the feds have been there. Mr. Collins said it was a philosophical issue. He did not understand what was being protected since what they had was being devastated. He asserted they cannot wait for a model to give them certainty and the process was getting in the way of restoration. Ms. Onley offered to meet with Mr. Collins and others to discuss and better understand these issues.

Ms. Wehle said it would be good to examine the Project Delivery Teams (PDTs) and re-examine the PDT process. She cited the St. Johns River Upper Basin Restoration Project as an incredible partnership between the St. John's WMD and the Corps. That process was different from the PDT process and allowed public input and comment. She thought the PDT process was not one of inclusion but consensus and the answer to one person's concern was to do another model run. She said they were drowning in modeling and the Interagency Modeling Center, the largest modeling group in the world, was unable to get the job done. She said that models had become

bigger and more important than they should be and they were trying to force models to make the decisions. She asked that models be a Task Force agenda item.

#### **CSOP Advisory Team Update**

Ms. Loly Espino reviewed the team's consensus recommendations for improving Alternative 5. She reported the team met in January and reviewed the Alternative 5R modeling results. She said they would meet once more to review the Tentatively Selected Plan and develop consensus recommendation for the Task Force. Ms. Lorion thanked Ms. Espino and the Corps for taking their concerns into consideration. She said some individuals were going to fight for every drop of water while other individuals thought they would be flooded. She thought people needed to be realistic about the goals of the project and not let the technical stuff get in the way of common sense. Ms. Wehle said one of the boundaries had to be budget. She noted that money was never part of the discussion in the PDTs.

#### **Science Coordination Group (SCG) Update**

Mr. Salt recognized members of the SCG in the audience and provided a status update. He said the team was moving forward with an independent review of 15 system-wide indicators (12 ecological and 3 compatibility indicators of the built and natural system). He noted that all been individually peer reviewed except for one. Pending independent review and Task Force approval, the indicators will be recommended for inclusion in the 2006 Strategic Plan. He reported that other indicators were not ready for independent review or inclusive in the 2006 strategy. He said the team was also working on Phase II of the Plan for Coordinating Science. He referred to December 2005 version of *Wetlands*, the Journal of the Society of Wetland Scientists. He said the journal validates the conceptual ecological models which were one of the key scientific underpinnings of the restoration. Mr. Collins noted the hard work done in a short time. He asked how they would factor in acts of God and what was being used for a baseline. Ms. Susan Markley said that ideal indicators wouldn't be affected by human or natural activities, but that was impossible. She said instead they tried to pick a group that taken all together would allow them to distinguish storm events from seasonal patterns. While some indicators would be sensitive to restoration and some to sea level rise, the system-wide perspective would come from looking at them all. Mr. Salt explained that the indicators extracted from the RECOVER report have baselines. Mr. Dunlop said they could do everything right and as an example not see any spoonbills for unrelated reasons. Mr. Salt said the spoonbills were determined to be the best indicator of how the freshwater estuarine interface was working. Mr. Collins asked for the additional of two caveats. One that noted this was their best attempt at indicators that exist within the system and another about relying too much on any one indicator. Mr. Salt agreed that was a good comment and would ensure it was included.

#### **Working Group (WG) Update**

Mr. Ammon reported the Regional Project Delivery Team (RPDT) met in conjunction with the WG in January as suggested by the Quality Review Board (QRB). The new format was well received and they are already working on suggestions for improvements. The WG was consulted on the alternative formulation phase of the Lake Okeechobee and Biscayne Bay Coastal Wetlands PIRs. The draft Natural Lands Report was presented and well received. The only significant discussion was on the creative funding section. The report outlines the information and programs that could be combined to identify and purchase or conserve natural lands. He said the Biscayne Bay Regional Restoration Coordination Team (BBRRCT) was a diverse stakeholder group tasked by the WG to address the future of the Biscayne Bay area. The team recently presented the action plan for the Bay and it was accepted by the WG. The BBRRCT will now work with the implementing agencies to incorporate recommendations in the action plan. Finally he reported on the invasive exotics update and said that without sufficient funding and tools it would be difficult

to get ahead of the curve and invasive species would take over. One way to track invasive exotics programs in South Florida was with ecosystems – a database developed by the WG invasive exotic subgroup. He recommended having an ecosystems demonstration at a future Task Force meeting.

### **Natural Lands Report (NLR)**

Mr. Mark Musaus noted the report was prepared in response to House Interior Appropriations Subcommittee. The report identifies and prioritizes the natural attributes of unacquired lands associated with 4 CERP projects (Biscayne Bay Coastal Wetlands, C-111 Spreader Canal, IRL and Lake Okeechobee Watershed). It also included potential funding strategies, partnerships as well as timeframes for when the lands would be acquired.

### **Public Comment on NLR**

Ms. Jody Thomas (Nature Conservancy) reported the Conservancy has helped protect over 1 million acres in Florida. She said the inclusion of the lands north of Lake Okeechobee was an important addition. She emphasized that follow-up on this report would be critical since land values were increasing rapidly. She urged everyone to be creative and pledged the support of the Nature Conservancy. Ms. Onley stressed the importance of forming partnerships with non-traditional partners because of budget constraints.

Ms. Jamie Furgang (Audubon of Florida) said one of the largest threats to Everglades restoration was the loss of lands to development. She said the report would be an invaluable tool to identify funding opportunities and areas where they need to focus. Audubon supported the document and hoped the Task Force accepts the report.

Mr. Collins asked why the subcommittee asked for the report. Mr. May explained that several groups met with CEQ last year and expressed concern about being able to acquire land in the project footprints due to rising land prices. Mr. Collins said he was comfortable with the report but if they were going to prioritize land acquisition then they were not going to build projects. He was cautious about the subcommittee getting the message that the priority should be on buying natural lands if it conflicted with building projects. Mr. May agreed and added that the emphasis was on creative partnerships. Mr. Dunlop made a motion to accept the report and Ms. Castille seconded the motion. Ms. Wehle suggested they communicate in the transmittal that the priority was still to buy land for projects first. She reported that based on spreadsheets with Bands 1 through 4 they were in trouble by Bands 3 and 4. Mr. Dunlop said he did not understand the distinction and withdrew his motion. Ms. Castille said they needed to state what is required for CERP and that this was in addition to that. Mr. Dunlop said it needed to be incorporated into the report and not a transmittal letter. Mr. May said he believed these concerns had been addressed in the report or in the footnotes. Ms. Onley suggested that Mr. Musaus, Mr. Paul Warner and others work to clearly address and incorporate these concerns. Mr. Dunlop amended his motion to approve the report with the caveat that a section would be added and be subject to review. Ms. Castille seconded motion. The motion was approved by the members with Ms. Lorion abstaining.

### **Public Comment**

Ms. Stephanie Clark (Cry of the Water) presented pictures from a recent tour to the Kissimmee River noting it looked great. She said STA 1 West looked great but they were troubled to hear they have not pumped much water through there for the last two summers due to hurricane damage.

Mr. Dan Clark (Cry of the Water) noted their concerns with the coral reefs in Broward County. He said the Hillsboro canal runs through the conservation areas and diverts nutrient rich water out



to tide. They have asked agencies to provide information in order to help them compile data which would be provided to their scientific advisors to compare trends such as algae blooms and coral growth rates. They recognize that reefs were impacted by other things such as point source pollution.

Ms. Martha Musgrove (Decision Makers Forum) said CERP was momentous for South Florida and would take a long time to implement. They needed to link the regulatory programs within the agencies with the policy decisions. She complemented Ms. Wehle and Ms. Castille for putting it on the line with the water utilities. She continued to hear that there was pressure by the state on the federal government to get out of the Consent Decree and end the lawsuit. She urged them not to “take away the only hammer” they have added they do not lack laws but enforcement. Lake Okeechobee was an example of something they have been trying to save since 1978 and yet they have never reached the target of 40 ppb. They were in the third iteration of trying to save the lake and have issued temporary permits for 20 years.

Ms. Jamie Furgang (Audubon of Florida) said the Florida Bay presentation and the success of the roseate spoonbill were very good news. Audubon had been working with the SFWMD on some of those management changes and thanked the SFWMD. The biggest priority was to remove the C-111 canal or the effects from the system. She read an excerpt of a letter from Dr. Lorenz to Mr. Dan Kimball and added that a combination of good management practices and eliminating the C-111 would result in a healthy spoonbill nesting in Florida Bay. Ms. Wehle reiterated their commitment to backfill as much as possible with whatever money was freed up.

Mr. Patrick Hayes (Loxahatchee River Coalition) said the tremendous price of land highlights the importance to review Environmental Resource Permits. He urged them to change the way they issue permits.

#### **Next Steps and Closing Comments**

Ms. Colleen Castille said she wanted to speak from the podium as a member of the audience. She said the accusation that they were trying to get out of the Consent Decree could not be further from the truth. She noted the Consent Decree referred to the EAA which was a small part of the entire ecosystem and did not refer to the other water quality improvements that were ongoing. It was an agreement on what would be required to clean up the Loxahatchee Refuge and ENP. The case said the DEP failed to require water quality improvements that were adopted by the SFWMD and the federal parties. She reviewed the Consent Decree’s five basic requirements. She said they had met the requirements and were moving to a state process under the Clean Water Act. The state had spent billions of dollars fulfilling that commitment. Ms. Lorion stated she had a difference of opinion.

Meeting adjourned at 6:10 PM

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**Administrative Announcements**

The meeting was called to order at 8:30 AM. Mr. Fewell made a motion to approve the minutes and it was seconded by Ms. Castille. The minutes approved as presented.

*Gene Duncan for Dexter Lehtinen, Special Assistant to the Miccosukee Tribe of Indians  
Ron Marlow for Merlyn Carlson, Deputy Under Secretary for Natural Resources and  
Environment, U.S. Department of Agriculture*

**Interim Goals Agreement and Interim Targets Agreement**

Mr. Salt stated that the Interim Goals were required by WRDA 2000 and designed to describe progress towards ecological success. The Interim Targets were required by the Programmatic Regulations (Pro Regs) and designed to deal with the other water related needs of the region. He noted that RECOVER completed their recommendations a year ago and the Task Force was briefed at that time. He explained that one of the current issues with the agreements was the lag between what is in the Plan from the Yellow Book and the changes proposed to the plan that still needed to be incorporated. He said both draft agreements were finished for the purpose of initiating consultation. The intent was to complete the draft and post it in the federal register for formal public review. He said that as the Plan is modified, budgets change and new science made available, revisions would be made to the Interim Goals as necessary. Both the interim goals and targets will be reviewed and modified every five years. Mr. Appelbaum clarified RECOVER was an interagency scientific team led by the Corps and SFWMD. He noted the Pro Regs gave RECOVER the responsibility to produce the technical underpinnings for the Interim Goals and Targets Agreements.

Mr. Dunlop asked about the process for modification. Mr. Salt explained they would seek RECOVER's advice concerning new models and analysis and based on that consider revisions. Mr. Collins stated the agreements reflect the 99 plan and do not incorporate the changes that have occurred since then. Mayor Anthony expressed his concern that they were establishing interim goals on information that was not accurate.

Mr. Ammon reported the Interim Targets address reducing the frequency of water shortages for water users. The goal was to have a 1 in 10 year drought protection for water users. The Biscayne Aquifer has historically been used by the utilities and it needed to be protected from salt water intrusion. They need to add water from the regional system during the dry season in order to raise water tables to avoid the intrusion. He said they would track that based on the performance of the plan. They had originally identified volumes of water for the service areas but now felt it inappropriate to assign numbers because of the inaccuracy of models and the fact that this was based on modeling data from 1995.

Ms. Power stated the Seminole Tribe's position was that they shouldn't be measuring anything other than what has been authorized by Congress. She explained that they would be looking at a different suite of projects if a WRDA had been signed every two years. She thought it would be useful to have some reference points for each indicator so they would know where they were when this was authorized. They understand it would be a difficult task and that the baselines would be different. It was difficult to interpret what this all means without the RECOVER report.

She drew everyone's attention to the whereas clauses in both agreements regarding the state going forward on some projects and those projects being exempted from the agreements, such as Acceler8. She asked why Acceler8 projects would be exempted from the agreements if the intent was to bring them in. Mr. Collins said that many of these concerns mirror issues raised by the WRAC. He said individuals had questions about making predictions based on model runs that were done over ten years ago. He said they were also concerned about what the baseline was and whether the report card was on what they have done or on what nature had done. He said that Acceler8 was a small portion of CERP and there was sensitivity to the fact that they would be evaluated and graded by someone who did not have a stake in it. He said it was not acceptable to have someone tell them how to spend their money. For the record he reiterated that the Ernie Barnett and Kathy Copeland on behalf of the state objected to this being included in the Programmatic Regulations. The SFWMD just adopted a consumptive use policy based on the idea that they do not trust the models. He was concerned about being graded on something that was technically invalid. He said he did not think the Governing Board would recommend the Governor sign this document as currently written. Mr. Salt suggested they put together a preamble that would resolve and clarify the points being made.

Mr. Dunlop recommended that they add more whereas clauses, clarify the unreliability of information, and emphasize that the work was sequential and they were looking at its cumulative effects. Ms. Power said they needed enough funds appropriated to get the projects done and they needed to show that they were making progress. Mr. Dunlop responded that the inclusion of the caveats would alert folks to the limiting factors.

Mr. Gene Duncan stated that some of the goals were wrong. There was nothing about the TMDL for Lake Okeechobee. Ms. Castille said this was being done but not as a part of this. Mr. Duncan said there was nothing in this document about achieving phosphorus reductions in the conservation areas or about reducing high water levels in the central Everglades. Mr. Appelbaum said the instructions were to measure restoration success of the Plan and the targets were set on what CERP told Congress they were going to do.

### **Public Comment**

Ms. Betty Grizzle (The Everglades Foundation) said they were disappointed with how the document looks now versus what RECOVER provided and with the transparency of the process. She asked for the methods and tools used to change certain interim goals and targets such as the salinity interim goals. She also asked for the documentation for the criteria that was used in eliminating the goals recommended by RECOVER such as tree islands and total phosphorus. She questioned how the current interim goals related to flows get reconciled with the reservations process. She stated that the salt water intrusion in the Biscayne Bay Aquifer, maintaining protection, should be conditioned on a process such as levels of service.

Ms. Barbara Miedema (Sugar Cane Growers Cooperative/ WRAC member) stated that Mr. Collins did a good job in summing up the concerns of the WRAC. She reiterated they have always been strong supporters of CERP but going down the track laid out today would lead to a failing report card that would be used against them to discredit all the good work that has been done. She provided written comments (Encl. 3) with recommendations.

Mr. John Arthur Marshall (Art Marshall Organization) provided a handout (Encl. 4) intended as a visual aid. He said they needed to start with a baseline in order to track a parameter and it needed to be calculated from the CERP baseline as of December 1999 when they had half the system left.

Mr. Patrick Hayes (Soil and Water) encouraged the Task Force to keep their eye on the ball which was ecosystem restoration. He said adaptive management had to be taken into consideration as they move forward because the data in the Yellow Book was over ten years old. He said the District cannot ignore what has happened in the last two or three years with the severe degradation of Lake Okeechobee and the estuaries. The lake was in a critical state and if the high volume discharges were not addressed then regardless of what they do they will lose the system. He urged them not to set themselves up to being criticized.

Ms. Power stated that they were missing an indicator that measured the impacts on the Seminole Tribe's entitlement under the water rights compact on the targets and was not covered under the Lake Okeechobee Service Area agreement. The tribe would work with the Corps to come up with the measures for that indicator. Also missing was anything on flood protection and she thought that was troubling. Commissioner Diaz agreed and added that to not have that clause was not proper. He said they needed to emphasize the savings clause and he would provide written comments. Mr. Ammon said he did not see flood protection as an interim target or goal but as a precursor protection. He stated they cannot impact existing levels of flood protection that existed as of enactment of WRDA. He believes it would be comforting for all the parties to state that fact. Ms. Castille suggested they include that in the preamble so that it was clear to everyone. Ms. Onley tasked Mr. Salt along with Mr. Ammon and Mr. Appelbaum to redraft and change the documents to reflect the comments.

#### **Site 1 Project Implementation Report**

Mr. Mike Rogalski reviewed the background, study area, project purpose and cost of the recommended plan noting the funding was contingent upon approval. He reviewed the problems and opportunities identified in the alternative plan formulation process. The initial array of alternatives included seven alternatives that were highlighted in the Yellow Book. The final array of alternatives had two structural alternatives and one no action alternative. The team recommended Alternative C which provides for a 1,660 acre impoundment and produces the greatest amount of natural ecosystem restoration benefits. The project cost \$50 million as of October 2004. Land has already been acquired. He noted the revised draft PIR/EA was re-released because the project assurances were updated and the public comment period closed on February 6. He said the final PIR will be released in mid April and the design under Acceler8 began in March 2005. He said the S 527-A double barrel culvert structure would be constructed first to meet the target date and noted the Section 404 permit was under review by the regulatory division.

Ms. Power asked this compared to what was in the Yellow Book. Mr. Rogalski said the impoundment was slightly larger but they will achieve the same benefits and that the rest of the plan was similar. They were still within the limits in term of the costs. Mr. Duncan asked whether the concerns about discharges down the Hillsboro canal were being addressed. Mr. Rogalski said they were. Ms. Castille clarified this project was not a treatment project although some treatment benefits come with storage. Some of the water going through gets treated through STA 2. Mr. Ammon added that all the water out of the EAA gets treated. Mr. Duncan said that if the purpose was to capture urban runoff and backpump it in here then what treatment is it that treats the water from the Hillsboro canal. Mr. Ammon said STA 2 treats the water out of the EAA and the WCA 1 and WCA 2 waters were influencing it at that point.

### **Next Steps and Closing Comments**

Mr. Duncan encouraged members to attend the GEER Conference that will emphasize planning, policy as well as science scheduled from June 5 – 9, 2006 in Lake Buena Vista, FL.

Ms. Onley thanked the staff and the members. She encouraged members to call her any time. Meeting adjourned at 11:00 AM.

#### Enclosures:

1. Briefing Binder
  - a. Agenda
  - b. Draft Meeting Minutes, December 2005
  - c. Task Force Roster
  - d. Proposed 2006 Meeting Calendar
  - e. Proposed 2006 Priorities
  - f. Corps' Restoration Update
  - g. Acceler8 Update
  - h. Restoration Projects and Florida Bay
  - i. SCG Update
  - j. Draft Natural Lands Report
  - k. Interim Goals and Interim Targets Presentation
  - l. Draft Interim Goals Agreement
  - m. Draft Interim Targets Agreement
  - n. Site 1 PIR Consultation Presentation
2. Keysnews.com article
3. Written Comments provided by Ms. Barbara Miedema